

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION REGARDING REQUEST TO CORRECT INVENTORSHIP  
UNDER 37 C.F.R. § 1.48 (a)

Applicants filed a Request to Correct Inventorship on August 6, 2007 and have not yet received an indication that the Office has acted on the Request. In reviewing the documents listed on the Patent Application Information Retrieval (PAIR) website for the present application, Applicants note that the Image File Wrapper (IFW) does not contain the complete Request as filed. Applicants are filing the present Communication to correct the IFW and respectfully request that the Office promptly act on the Request to Correct Inventorship to avoid any further delay in the issuance of the patent.

In particular, Applicants note that the August 6, 2007 Request to Correct Inventorship was filed to correct a U.S.P.T.O. mistake. Applicants, on March 22, 2001, filed a Supplemental Reply to Notice to File Missing Parts (copy enclosed as Exhibit A). This Reply included a substitute Combined Declaration and Power of Attorney executed

by Inventors Paul T. Clark and Margaret A. Moore. (The original Combined Declaration and Power of Attorney filed on October 10, 2000 was not properly executed by both inventors.) Upon receipt of the Notice of Allowance, Applicants noted that only Margaret A. Moore was listed as an inventor and Applicants, on August 6, 2007, filed a Request to Correct Inventorship (copy enclosed as **Exhibit B**). The Request was sent by facsimile to the U.S.P.T.O. central facsimile number and contained nine pages as is evidenced by the U.S.P.T.O. Auto-Reply Facsimile Transmission enclosed as **Exhibit C** noting that nine pages were received. In reviewing the IFW, Applicants noted that the page count for the Request was only seven pages (not nine). A copy of the IFW summary is enclosed as **Exhibit D** and a printout of the Request from the IFW is enclosed as **Exhibit E**. As shown in the header and footer of the pages in **Exhibit E**, nine pages were received by the U.S.P.T.O. Central Fax Center. Pages 1/9, 2/9, 3/9, 6/9, 7/9, 8/9, and 9/9 are part of the IFW, but pages 4/9 and 5/9 are apparently missing.

Applicants' representative, Dr. Jan N. Tittel of Clark & Elbing LLP, in September 2007, contacted Examiner Melvin Pollack regarding the status of the Request to Correct Inventorship. Examiner Pollack referred Dr. Tittel to his supervisor, Examiner Jason Cardone. After several attempts to reach Examiner Cardone, in a teleconference on November 7, 2007, Examiner Cardone informed Dr. Tittel that he could not locate pages 4/9 and 5/9 of the Request in the file and Examiner Cardone suggested re-filing the Request using the U.S.P.T.O. central facsimile number. Dr. Tittel noted that Applicants

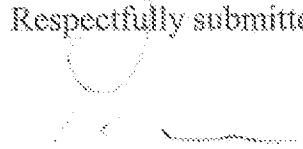
did not wish to further delay issuance of the patent and inquired whether the missing pages could be sent directly to the person acting on the petition. Examiner Cardone noted that he would look into the matter. Repeated attempts to contact Examiner Cardone regarding this matter have gone unanswered.

To avoid any further delay in the issuance of the patent, Applicants are re-submitting a copy of the Request to Correct Inventorship as **Exhibit B**. Given that the Request to Correct Inventorship was necessitated by a U.S.P.T.O. error and that this re-submission of the Request is also necessitated by a U.S.P.T.O. error, Applicants respectfully request that the Request to Correct Inventorship be granted promptly.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

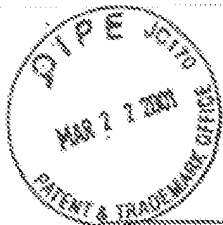
Respectfully submitted,

Date: 3 - 18 - 03

  
\_\_\_\_\_  
Paul T. Clark  
Reg. No. 30,162

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

# Exhibit A



RECEIVED

MAY 8 - 2001

Technology Center 2100

PATENT  
ATTORNEY DOCKET NO. 50160/002003

Certificate of Mailing: Date of Deposit: 3/19/01

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Christine M. Citra

Christine M. Citra

Printed name of person mailing correspondence

Signature of person mailing correspondence

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul T. Clark et al.

Art Unit: 3713

Serial No.: 09/628,607

Examiner:

Filed: July 31, 2000

Customer No.: 21559

Title: INTERNET COACHING

Box Missing Parts

Assistant Commissioner for Patents

Washington, D.C. 20231

### SUPPLEMENTAL REPLY TO NOTICE TO FILE MISSING PARTS

In reply to the Notice to File Missing Parts of Application mailed September 20, 2000 (a copy of which is enclosed), Applicant as a small entity submits herewith the following:

- ☐ A substitute Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.63.
- ☐ Payment of the surcharge of \$65.00 for late filing of the basic filing fee/declaration.
- ☐ A substitute signed small entity statement.



RECEIVED

MAY 8 - 2001

Technology Center 2100

A four-month Petition for Extension of Time and a check for \$695.00 to cover the petition fee.

If there are any charges, or any credits, please apply them to Deposit Account No.

03-2095.

Respectfully submitted,

Date: March 19, 2001

Paul T. Clark  
Reg. No. 30,162

Clark & Elbing LLP  
176 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



21559

PATENT, TRADEMARK OFFICE



RECEIVED

MAY 8 - 2001

Technology Center 2100

#4

PATENT

ATTORNEY DOCKET NO: 50160/002003

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INTERNET COACHING, the specification of which

☐ is attached hereto.

☒ was filed on July 31, 2000 as Application Serial No. 09/628,607  
and was amended on \_\_\_\_\_

☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Serial Number	Filing Date	Priority Claimed?
			Yes/No

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under Title 35, United States Code, §119(e) and §120 of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status

# **COMBINED DECLARATION AND POWER OF ATTORNEY**

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

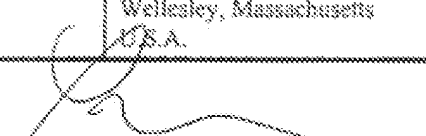
Serial Number	Filing Date	Status
09/379,448	August 23, 1999	Abandoned
09/415,622	October 12, 1999	Pending

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162, Karen L. Elbing, Ph.D. Reg. No. 35,238, Kristina Bieker-Brady, Ph.D. Reg. No. 39,109, Susan M. Michaud, Ph.D. Reg. No. 42,885, Mary Rose Scozzafava, Ph.D., Reg. No. 36,268, James D. DeCamp, Ph.D., Reg. No. 43,580, Timothy J. Douras, Reg. No. 41,716.

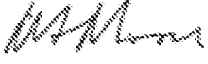
Address all telephone calls to: Paul T. Clark at 617/428-0200.

Address all correspondence to: Paul T. Clark at Clark & Elbing LLP, 176 Federal Street, Boston, MA 02110.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Paul T. Clark	Wellesley, Massachusetts U.S.A.	19 Weston Road Wellesley, MA 02482	United States
Signature: 			3 9, 2001 Date:

# COMBINED DECLARATION AND POWER OF ATTORNEY

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Citizenship
Margaret A. Moore	West Vancouver, British Columbia, CANADA	965 Duchess Avenue West Vancouver, British Columbia, CANADA	Canada
Signature: 			5.8.2001 Date:

90160.002003 Filing Papers.wpd





RECEIVED

MAY 8 - 2001

Technology Center 2100

ATTORNEY DOCKET NO. 50160/002003

Applicant or Patentee : Paul T. Clark and Margaret A. Moore  
Serial or Patent No. : 09/628,607  
Filed or Issued : July 31, 2000  
Title : INTERNET COACHING

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: WELLCOACHES CORPORATION

Address of Small Business Concern: 19 Weston Road, Wellesley, MA 02482

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled INTERNET COACHING by inventors Paul T. Clark and Margaret A. Moore, described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/628,607, filed July 31, 2000.  
☐ patent no. ["PATENT NUMBER"], issued ["ISSUE DATE"].

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Assignee Name:

Assignee Address:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Paul T. Clark

Title: Chairman

Address: Wellcoaches Corporation, 19 Weston Road, Wellesley, MA 02482

Signature: 

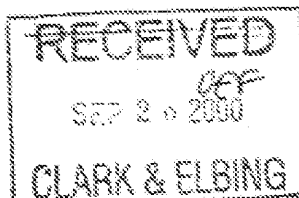
Date: 3-19-2001



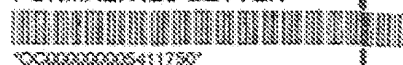
## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20503  
 www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/628,607	07/31/2000	Paul T. Clark	50160/002003

 Paul T. Clark  
 Clark & Elbing LLP  
 176 Federal Street  
 Boston, MA 02110


## FORMALITIES LETTER



\*0000000005411750\*

Date Mailed: 09/20/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

DOCKETED FOR  
ATTORNEY ATTENTION

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.53(b) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing item identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

03/23/2001 EXAMTEU 00000000 07020007

00 FOLITE

65.00 BP

## Clark & Elbing LLP

101 Federal Street  
Boston, MA 02110

Telephone 617-428-0200  
Facsimile 617-428-7045  
617-428-7046

**Date:** August 6, 2007

**To:** Examiner Melvin H. Pollack  
U.S. Patent and Trademark Office  
Group Art Unit 2145

**Facsimile No.:** 571-273-8300

**From:** Paul T. Clark  
Reg. No. 30,162

**Re:** U.S. Patent Application Serial No. 09/628,607  
PERSONAL COACHING SYSTEM FOR CLIENTS WITH  
ONGOING CONCERS SUCH AS WEIGHT LOSS  
Margaret A. Moore  
Filed July 31, 2000  
Attorney Docket No. 50160/002003  
Customer No. 21559  
Confirmation No. 3849

**Pages:** 9, including cover page.

**Message:** The following pages are enclosed:

Request to Correct Inventorship (2 pages)  
Request to Correct Inventorship -- Declaration of Inventor (2 pages)  
Request to Correct Inventorship -- Consent of Assignee (2 pages)  
Combined Declaration and Power of Attorney (2 pages)

Certificate of Transmission by Facsimile: Date of Transmission: August 6, 2007

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above at 571-273-8300.

Collette R. D'Amico  
Printed name of person transmitting facsimile

Collette R. D'Amico  
Signature of person transmitting facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (a)

Applicant hereby requests correction of inventorship in the above-captioned application from:

Margaret A. Moore

to:

Paul T. Clark and Margaret A. Moore.

The inventors set forth in the executed declaration under 37 C.F.R. § 1.63 that was filed in this case on October 10, 2000 were in error. In support of this request, enclosed

are:

A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intent;

A newly executed declaration under 37 C.F.R. § 1.63 by the actual inventors;

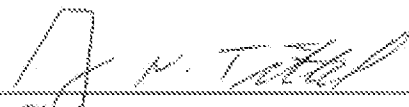
A written consent of the assignee to this correction of inventorship; and

The Office is hereby authorized to charge \$130.00 to Deposit Account No. 03-2095 for the fee required under 37 C.F.R. § 1.17(i).

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 6 August 2007

  
Paul T. Clark  
Reg. No. 30,162

*John M. Tittel, Ph.D.*  
*Reg. No. 52,290*

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045

Certificate of Transmission by Facsimile: Date of Transmission: August 6, 2007

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above at 571-273-8300.

Collette R. D'Amico  
Printed name of person transmitting facsimile

Collette R. D'Amico  
Signature of person transmitting facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP -- DECLARATION OF INVENTOR

Paul T. Clark hereby declares:

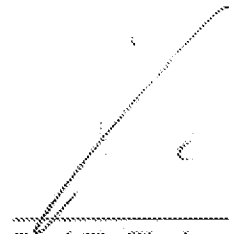
1. That I am an original inventor of the above-captioned patent application.
2. That through error and without any deceptive intent on my part, while the above-captioned application was filed naming Paul T. Clark and Margaret A. Moore as inventors, the oath and declaration filed on October 10, 2000 was only executed for Margaret A. Moore.

3. That I should be added as an inventor in the above-captioned application.

4. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

Aug 6, 2007

  
\_\_\_\_\_  
Paul T. Clark

19 Weston Road

Wellesley, MA 02482

Certificate of Transmission by Facsimile: Date of Transmission: August 6, 2007

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above at 571-273-8300.

Collette R. D'Amico  
Printed name of person transmitting facsimile

Collette R. D'Amico  
Signature of person transmitting facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)  
CONSENT OF ASSIGNEE

As an officer of the concern to which the above-captioned application has been assigned, I hereby consent to the correction of inventorship of this application from:

Margaret A. Moore

to:


Paul T. Clark and Margaret A. Moore.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are



made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 4-17 31/07



Margaret A. Moore  
CEO  
Wellcoaches Corporation  
19 Weston Road  
Wellesley, MA 02482

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS, the specification of which was filed on July 31, 2000 as Application Serial No.09/628,607.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Country	Serial Number	Filing Date	Priority Claimed?

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under 35 U.S.C. § 119(e) of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

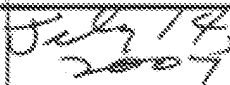
Serial Number	Filing Date	Status
09/415,622	October 12, 1999	Abandoned
09/379,448	August 23, 1999	Abandoned

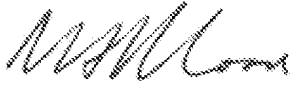
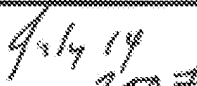
I hereby appoint the attorneys and/or agents associated with customer number **21559** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence relating to this application to the address associated with customer number **21559**.

Address all telephone calls to: Paul T. Clark at 617-428-0200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Paul T. Clark	Wellesley, MA 02482 U.S.A.	19 Weston Road Wellesley, MA 02482 U.S.A.	U.S.A.
Signature: 			Date:  2007

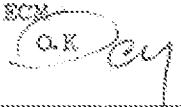
Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Margaret A. Moore	Wellesley, MA 02482 U.S.A.	19 Weston Road Wellesley, MA 02482 U.S.A.	Canada
Signature: 			Date:  2007

# Message Confirmation Report

AUG-06-2007 04:47 PM MON

WorkCentre M20 Series

Machine ID : CLARK AND ELBING LLP  
Serial Number : RYU257104.....  
Fax Number : 6174287046

Name/Number : 15712738300  
Page : 9  
Start Time : AUG-06-2007 04:46PM MON  
Elapsed Time : 01'10"  
Mode : STD ECM  
Results : 

## Clark & Elbing LLP

101 Federal Street  
Boston, MA 02110

Telephone: 617-428-0200  
Facsimile: 617-428-1046  
617-428-7046

Date: August 6, 2007

To: Examiner Melvin H. Pollack  
U.S. Patent and Trademark Office  
Group Art Unit 2145

Facsimile No.: 371-273-8300

From: Paul T. Clark  
Reg. No. 30,162

Re: U.S. Patent Application Serial No. 09/628,697  
PERSONAL COACHING SYSTEM FOR CLIENTS WITH  
ONGOING CONCERNS SUCH AS WEIGHT LOSS  
Margaret A. Moore  
Filed July 31, 2000  
Attorney Docket No. 50160302003  
Customer No. 21559  
Confirmation No. 1849

Pages: 9, including cover page.

Message: The following pages are enclosed:

Request to Correct Inventorship (2 pages)  
Request to Correct Inventorship - Declaration of Inventor (2 pages)  
Request to Correct Inventorship - Consent of Assignee (2 pages)  
Combined Declaration and Power of Attorney (2 pages)

NOTICE: This facsimile transmission may contain confidential or privileged information intended for the addressee only. If you are not the addressee, be aware that any disclosure, copying, distribution, or use of the information is prohibited. If you have received this facsimile transmission in error, please call us at 617-428-0200 to arrange for its return at no cost to you.

TO: Auto-reply fax to 817-37046 COMPANY:

## Exhibit C

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 6174287046

Fax Information

Date Received:

8/6/2007 4:49:33 PM [Eastern Daylight Time]

Total Pages:

9 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

TO: 817-37046 FAX	FROM: 817-37046 FAX	DATE: 8/6/2007	TIME: 4:49:33 PM
<b>Clark &amp; Elbing LLP</b>			
101 Polaris Ave. Suite 101, Austin, TX 78701		Telephone: 512-452-2200 Facsimile: 512-452-2206 E-Mail: c&e@clark-elbing.com	
Date: August 6, 2007			
To: Elizabeth Melvin H. Pollock U.S. Patent and Trademark Office Gateway Station 7148			
Facsimile No.: 512-452-2206			
From: Paul L. Clark Reg. No. 58142			
Re: U.S. Patent Application Serial 09/100,200 PERSONAL CONTACT SYSTEM FOR CREDITORS WITH ONGOING CUSTOMERS SUCH AS VENDING LOSS Margaret A. Moore Filed July 31, 2006 Attorney-Client No. 0010-000200 Examination No. 21100 Confidentiality No. 2320			
Pages: 9, including cover page			
Messages: The following pages are attached:			
Response to Office Action (12 pages)			
Statement of Claim (12 pages)			
Declaration of Invention (2 pages)			
Proposed Claims (12 pages)			
Covered the first one and two of the above (12 pages)			
<p>NOTICE: The above information is confidential or otherwise proprietary information. If you are not the addressee, do not print, copy, retransmit, or use the information in any way. If you have received this facsimile in error, please contact the sender at 817-37046 to arrange for its removal from your system.</p> <p>PAGE 1 OF 9 AT 817-37046 FAX TO: 817-37046 FAX FROM: 817-37046 FAX DATE: 8/6/2007 TIME: 4:49:33 PM</p>			

08/628,607 PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING 63-12-  
CONCERNS SUCH AS WEIGHT LOSS 2008:09:11:01

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

#### Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count
08-22-2007	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
08-22-2007	LET	Miscellaneous Incoming Letter	PROSECUTION	2
08-13-2007	CTMS	Miscellaneous Action with SSP	PROSECUTION	2
08-13-2007	1449	List of References cited by applicant and considered by examiner	PROSECUTION	2
→ 08-06-2007	R48 REQ	Request under Rule 48 correcting inventorship	PROSECUTION	7
07-02-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
07-02-2007	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	3
07-02-2007	892	List of references cited by examiner	PROSECUTION	1
07-02-2007	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
07-02-2007	FWCLM	Index of Claims	PROSECUTION	1
07-02-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-02-2007	BIB	Bibliographic Data Sheet	PROSECUTION	1
05-31-2007	SRNT	Examiner's search strategy and results	PROSECUTION	1
04-05-2007	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
03-27-2007	A...	Amendment - After Non-Final Rejection	PROSECUTION	1
03-27-2007	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	7
03-27-2007	N417	Status Letter Mailed to Applicant	PROSECUTION	2
02-21-2007	CTNF	Non-Final Rejection	PROSECUTION	14
02-21-2007	892	List of references cited by examiner	PRIOR ART	2
02-21-2007	FOR	Foreign Reference	PRIOR ART	79
02-21-2007	FOR	Foreign Reference	PRIOR ART	28
02-21-2007	FOR	Foreign Reference	PRIOR ART	19
02-21-2007	NPL	NPL Documents	PRIOR ART	22
02-21-2007	NPL	NPL Documents	PRIOR ART	20
02-21-2007	NPL	NPL Documents	PRIOR ART	12
02-21-2007	NPL	NPL Documents	PRIOR ART	2
02-21-2007	NPL	NPL Documents	PRIOR ART	6
02-21-2007	NPL	NPL Documents	PRIOR ART	3
02-21-2007	NPL	NPL Documents	PRIOR ART	21
02-21-2007	NPL	NPL Documents	PRIOR ART	3
02-21-2007	FWCLM	Index of Claims	PROSECUTION	1
02-21-2007	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
02-07-2007	SRNT	Examiner's search strategy and results	PROSECUTION	5
02-06-2007	SRNT	Examiner's search strategy and results	PROSECUTION	5
01-19-2006	A...	Amendment - After Non-Final Rejection	PROSECUTION	1
01-19-2006	CLM	Claims	PROSECUTION	6
01-19-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
01-19-2006	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	3
01-19-2006	RCEX	Request for Continued Examination (RCE)	PROSECUTION	2

01-19-2006	XT/	Extension of Time	PROSECUTION	2
01-19-2006	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
01-19-2006	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
11-01-2005	EXIN	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	4
07-18-2005	N/AP	Notice of Appeal Filed	PROSECUTION	2
07-18-2005	XT/	Extension of Time	PROSECUTION	2
01-14-2005	CTFR	Final Rejection	PROSECUTION	13
01-14-2005	EXIN	Examiner Interview Summary Record (PTOL - 413)	PROSECUTION	2
01-14-2005	892	List of references cited by examiner	PRIOR ART	3
01-14-2005	NPL	NPL Documents	PRIOR ART	5
01-14-2005	NPL	NPL Documents	PRIOR ART	16
01-14-2005	NPL	NPL Documents	PRIOR ART	2
01-14-2005	NPL	NPL Documents	PRIOR ART	17
01-14-2005	NPL	NPL Documents	PRIOR ART	2
01-14-2005	NPL	NPL Documents	PRIOR ART	5
01-14-2005	NPL	NPL Documents	PRIOR ART	2
01-14-2005	NPL	NPL Documents	PRIOR ART	3
01-14-2005	NPL	NPL Documents	PRIOR ART	20
01-14-2005	NPL	NPL Documents	PRIOR ART	41
01-14-2005	FWCLM	Index of Claims	PROSECUTION	1
01-14-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
09-13-2004	A...	Amendment - After Non-Final Rejection	PROSECUTION	1
09-13-2004	SPEC	Specification	PROSECUTION	1
09-13-2004	ABST	Abstract	PROSECUTION	1
09-13-2004	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	8
09-13-2004	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	2
09-13-2004	XT/	Extension of Time	PROSECUTION	2
03-10-2004	CTNF	Non-Final Rejection	PROSECUTION	9
03-10-2004	892	List of references cited by examiner	PRIOR ART	1
02-24-2004	SRNT	Examiner's search strategy and results	PROSECUTION	1
04-17-2003	C.AD	Change of Address	PROSECUTION	1
03-22-2001	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	3
03-22-2001	OATH	Oath or Declaration filed	PROSECUTION	4
03-22-2001	XT/	Extension of Time	PROSECUTION	2
03-22-2001	136A	Authorization for Extension of Time all replies	PROSECUTION	2
10-10-2000	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	2
10-10-2000	OATH	Oath or Declaration filed	PROSECUTION	3
09-20-2000	PEFN	Pre-Exam Formalities Notice	PROSECUTION	1
09-15-2000	IDS	Information Disclosure Statement (IDS) Filed	PROSECUTION	2
09-15-2000	NPL	NPL Documents	PRIOR ART	1
07-31-2000	LET	Miscellaneous Incoming Letter	AS FILED	27
07-31-2000	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
07-31-2000	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-31-2000	FWCLM	Index of Claims	PROSECUTION	1
07-31-2000	TRNA	Transmittal of New Application	PROSECUTION	2
07-31-2000	SPEC	Specification	PROSECUTION	13
07-31-2000	CLM	Claims	PROSECUTION	7

07-31-2000	ABST	Abstract	PROSECUTION	1
07-31-2000	OATH	Oath or Declaration filed	PROSECUTION	4
07-31-2000	BIB	Bibliographic Data Sheet	PROSECUTION	1
07-31-2000	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1
07-31-2000	WFEE	Fee Worksheet (PTO-06)	PROSECUTION	1

---

[Close Window](#)



# Exhibit E

AUG-06-2007 16:46 From: CLARK AND ELBING LLP 6174287046

To: USPTO

P.1/9

**RECEIVED**  
**CENTRAL FAX CENTER**  
**AUG 06 2007**

## Clark & Elbing LLP

101 Federal Street  
Boston, MA 02110

Telephone 617-428-0200  
Facsimile 617-428-7046  
617-428-7046

**Date:** August 6, 2007

**To:** Examiner Melvin H. Pollack  
U.S. Patent and Trademark Office  
Group Art Unit 2145

**Facsimile No.:** 571-273-8300

**From:** Paul T. Clark  
Reg. No. 30,162

**Re:** U.S. Patent Application Serial No. 09/628,607  
PERSONAL COACHING SYSTEM FOR CLIENTS WITH  
ONGOING CONCERNS SUCH AS WEIGHT LOSS  
Margaret A. Moore  
Filed July 31, 2000  
Attorney Docket No. 50160/002003  
Customer No. 21559  
Confirmation No. 3849

**Pages:** 9, including cover page.

**Message:** The following pages are enclosed:

Request to Correct Inventorship (2 pages)  
Request to Correct Inventorship - Declaration of Inventor (2 pages)  
Request to Correct Inventorship - Consent of Assignee (2 pages)  
Combined Declaration and Power of Attorney (2 pages)

NOTICE: This facsimile transmission may contain confidential or privileged information intended for the addressee only. If you are not the addressee, be aware that any disclosure, copying, distribution, or use of the information is prohibited. If you have received this facsimile transmission in error, please call us at 617-428-0200 to arrange for its return at no cost to you.

RECEIVED  
CENTRAL FAX CENTER  
AUG 06 2007

PATENT  
ATTORNEY DOCKET NO. 58168/082003

Certificate of Transmission by Facsimile: Date of Transmission: <u>August 6, 2007</u>	
I hereby certify under 37 C.F.R. § 1.8(e) that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above at 571-273-8300.	
<u>Collette R. D'Amico</u> Printed name of person transmitting facsimile	<u>Collette R. D'Amico</u> Signature of person transmitting facsimile

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (a)

Applicant hereby requests correction of inventorship in the above-captioned application from:

Margaret A. Moore

to:

Paul T. Clark and Margaret A. Moore.

The inventors set forth in the executed declaration under 37 C.F.R. § 1.63 that was filed in this case on October 10, 2000 were in error. In support of this request, enclosed

08/07/2007 HDMESS1 00000058 032095 09628607

01 FC:1464 130.00 DA

PAGE 2/9 \* RCVD AT 8/6/2007 4:48:33 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-670 \* ONIS:2738300 \* CSID:5174287045 \* DURATION (mm-ss):01-28

RECEIVED  
CENTRAL FAX CENTER

AUG 06 2007

are:

A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intent;

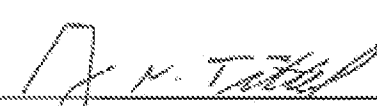
A newly executed declaration under 37 C.F.R. § 1.63 by the actual inventors;

A written consent of the assignee to this correction of inventorship; and

The Office is hereby authorized to charge \$130.00 to Deposit Account No. 03-2095 for the fee required under 37 C.F.R. § 1.17(i).

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 6 August 2007  
Paul T. Clark  
Reg. No. 30,162*John A. T. Clark, P.L.D.  
Reg. No. 52,210*

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7046

RECEIVED  
CENTRAL FAX CENTER  
AUG 06 2007

PATENT  
ATTORNEY DOCKET NO. 50160/002003

Certificate of Transmission by Facsimile: Date of Transmission: <u>August 6, 2007</u>	
I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being transmitted by facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above at 571-273-8300.	
<u>Collette R. D'Amico</u> Printed name of person transmitting facsimile	<u>Collette R. D'Amico</u> Signature of person transmitting facsimile

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Margaret A. Moore	Confirmation No.:	3849
Serial No.:	09/628,607	Art Unit:	2145
Filed:	July 31, 2000	Examiner:	M.H. Pollack
		Customer No.:	21559
Title:	PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)  
CONSENT OF ASSIGNEE

As an officer of the concern to which the above-captioned application has been assigned, I hereby consent to the correction of inventorship of this application from:

Margaret A. Moore

to:

Paul T. Clark and Margaret A. Moore.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon

Date: 4/17 31/07

  
\_\_\_\_\_  
Margaret A. Moore  
CEO  
Wellcoaches Corporation  
19 Weston Road  
Wellesley, MA 02482

**RECEIVED**  
**CENTRAL FAX CENTER**

**AUG 06 2007**

PATENT  
 ATTORNEY DOCKET NO. 60160/002053

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **PERSONAL COACHING SYSTEM FOR CLIENTS WITH ONGOING CONCERNS SUCH AS WEIGHT LOSS**, the specification of which was filed on July 31, 2000 as Application Serial No.09/628,607.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

**FOREIGN PRIORITY RIGHTS:** I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Country	Serial Number	Filing Date	Priority Claimed?

**PROVISIONAL PRIORITY RIGHTS:** I hereby claim priority benefits under 35 U.S.C. § 119(e) of any United States provisional patent application(s) listed below filed by an inventor or inventors on the same subject matter as the present application and having a filing date before that of the application(s) of which priority is claimed:

Serial Number	Filing Date	Status

**NON-PROVISIONAL PRIORITY RIGHTS:** I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

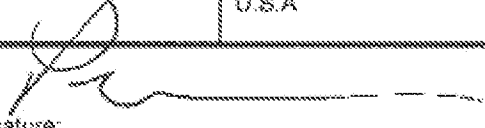
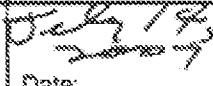
Serial Number	Filing Date	Status
09/416,622	October 12, 1999	Abandoned
09/379,448	August 23, 1999	Abandoned

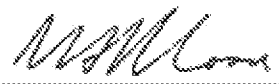
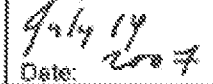
I hereby appoint the attorneys and/or agents associated with customer number 21559 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence relating to this application to the address associated with customer number 21559.

Address all telephone calls to: Paul T. Clark at 617-428-0200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Paul T. Clark	Wellesley, MA 02402 U.S.A.	19 Weston Road Wellesley, MA 02462 U.S.A.	U.S.A.
 Signature:			 Date:

Full Name (First, Middle, Last)	Residence Address (City, State, Country)	Post Office Address (Street, City, State, Country)	Country of Citizenship
Margaret A. Moore	Wellesley, MA 02482 U.S.A.	19 Weston Road Wellesley, MA 02462 U.S.A.	Canada
 Signature:			 Date: